

PHILLIPS & ASSOCIATES

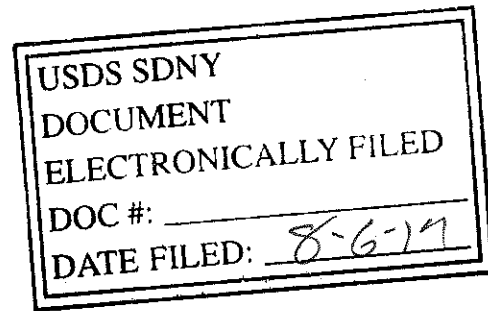
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July 29, 2019

BY ECF

Honorable John G. Koetl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Reid v. RAIN, Inc. et al.
19-cv-05043 (JGK) (DF)



Your Honor,

I am an attorney with the office of Phillips & Associates, attorneys for Plaintiff in the above-referenced matter. In anticipation of the Initial Conference presently scheduled for August 6, 2019 at 4:30 p.m., the parties jointly submit the following Rule 26 Meeting Report and Joint Discovery Plan.

Rule 26 Meeting Report and Joint Discovery Plan

1. **General Requirements** The items listed in Rule 26(f)(2)-(4) are addressed in turn below.

Rule 26(f)(2) As required by Rule 26(f)(2), the parties have conferred in regard to the following topics and have come to the following agreements: (1) as to the nature and basis of their claims and defenses, the parties have discussed the claims and defenses; (2) as to the possibility of a prompt settlement, plaintiff has calculated an estimate of damages in this matter and will communicate it to Defendants with their Initial Discovery; (3) the parties anticipate exchanging Initial Discovery as contemplated by the Initial Discovery Protocols no later than September 4, 2019; (4) as to the preservation of discoverable information, at this point the parties do not anticipate any disputes; and (5) the parties' proposed discovery plan is outlined below.

Rule 26(f)(3) As required by Rule 26(f)(3), the parties have discussed the following topics and propose the following discovery plan:

- (A) Pursuant to the Initial Discovery Protocols, the parties intend to exchange Initial Discovery in lieu of Rule 26(a) initial disclosures. Initial Discovery shall be exchanged by the parties on September 4, 2019.
- (B) The parties require discovery regarding the basis of Plaintiff's claims. The parties anticipate all discovery should be completed on or before February 6, 2020.
- (C) The parties do not anticipate any disputes concerning the discovery of electronically stored information at this time.

- (D) The parties do not anticipate any disputes concerning claims of privilege at this time.
- (E) The parties do not presently seek any changes to the limitations on discovery contemplated by the Federal Rules of Civil Procedure and the Local Civil Rules of the Southern and Eastern Districts of New York.
- (F) The parties do not presently seek a Court Order under Rule 26(c) or under Rules 16(b) and (c) of the Federal Rules of Civil Procedure.

Rule 26(f)(4) The parties do not believe an expedited discovery schedule is necessary in this matter.

2. Deadlines & Court Appearances The parties propose the following schedule:

- Deadline for Initial Discovery: September 4, 2019
- First Request for Document Production by: September 4, 2019
- Deadline for Joinder and Amendments: September 4, 2019
- Fact discovery to be completed by: February 6, 2020
- Dispositive Motion Process initiated by: March 6, 2020

3. Other Discovery Matters The parties address the matters below as follows:

- (A) The parties do not anticipate seeking any changes to the maximum number of interrogatories or depositions allowed under the Federal Rules.
- (B) The parties do not anticipate any deposition will last longer than the 7 hours permitted under Rule 30(d)(1).
- (C) The parties do not seek any limitation on the subject matter of discovery at this time. The parties will seek to resolve any discovery disputes in good faith amongst themselves and will only bring disputes to the Court pursuant to the Court's Individual Rules of Practice.

The parties thank the Court for its time and attention.

Respectfully,

So ordered
John G. Kelly
8/6/19
U.S.D.S.

/s/
Shawn R. Clark Esq.
Phillips & Associates, PLLC

CC: (Via ECF)
All Counsel of Record

The Joint Pre-Trial and Discovery Requests & Responses are due 3/27/20, or 3 weeks after decision, any dispositive motions. The parties should be ready for trial fourteen (14) days after the Joint Pre-Trial order is filed. The parties should advise the Court by 8/30/19, whether they consent to trial before the Magistrate Judge or whether the assistance of the U.S. J. for settlement is useful.
8/6/19
U.S.D.S.